

1905-017 Chancery Causes: P. H. Chadwell vs Octava Chadwell
Lee Co.

Nevils, Estep, Wyres

CA-Divorce
T-Vices

To the Hon.H.A.W.Skeen, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining, your orator, P.H.Chadwell, would respectfully represent and show unto your Honor, that on the 18th day of November, 1893, in Hancock county, Tennessee, he was married, according to the laws of that state, to one Octava Nevils; that he and his said wife lived together as man and wife in Lee county, Va., from the date of their marriage until the 4th day of Aug., 1904, when she left or abandoned your orator and stole away with their children, and is now in the state of Missouri.

Your orator would show your Honor that of the said marriage between himself and the said Octava two children were born, the older, James, a boy, who is ten years old, the younger, Effie, a girl, who is six years old.

Your orator would further show your Honor that for several years after his marriage with the said Octava they lived together peaceably and happily as man and wife, your orator striving with all his might to provide and take care of her, as became a good, true and dutiful husband. But after some years she seemed to become discontent with her home and its surroundings, and would go away, sometimes your orator knew not where, and would stay away for days and even for weeks, against the earnest appeals of your orator, who needed her at home to aid in taking care of their children and looking after home affairs. And this running or straggling around over the neighborhood she persistingly continued, against the appeals of your orator, until on the 4th day of August, 1904, when, in his absence from home on business, she stole away with their children and went to the state of Missouri, where her and said children still are.

Your orator would further show your Honor that notwithstanding the said Octava would often go away from his home against his requests and will, and would visit or run around over the neighborhood for days and even weeks, yet he had confidence in her chastity and did all in his power to reconcile her to his home with the hope of living with her as his wife and bringing up their children around a happy fireside. And even after her last abandonment or going away from your orator, after she had stolen away with their children and gone to the state of Missouri, your orator yet hoped to induce her to return to his home and live with him as his wife, and he would have used efforts to this end, had he not been informed, and became convinced, that she had not

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been faithful to him as a wife, but on the contrary had been guilty of adultery with divers dissolute men during her marriage with your orator, in this county, and possibly at other places, to-wit, with one B.H.Estep, at your orator's own home in his absence therefrom on business, and with other men at various times and places. Since which information, and since becoming convinced that his said wife had not been true to him as a wife, but had been guilty of adultery, your orator has ceased to have further communication with her to induce her to return to his home and live with him as his said wife.

Your orator would now show your Honor that he last lived and co-habited with his said wife in this, Lee county, Virginia; that he is now, and, for a longer period of time than one year previous to the institution of this suit, has been, domiciled in this county.

Your orator further represents that he has not co-habited with the said Octava since he had knowledge, and became convinced of her adultery, and that said acts of adultery by her were not committed by the procurement or connivance of your orator, and have never been condoned by him.

The premises considered, the prayer of your orator is, that the said Octava Chadwell be made party defendant to this bill; that she be required to answer the several allegations hereof, but not on oath, as that is expressly waived; that upon a hearing of this cause a decree be rendered granting your orator a divorce a vinculo matrimonii; and that full and general relief be granted him. And he will ever pray &c.

A. M. Lewis, P.Q.

VIRGINIA, LEE COUNTY, to-wit:

I, H.C.T.Ewing, County Clerk for the county and state aforesaid, do certify that P.H.Chadwell, plaintiff in the foregoing bill of complaint, appeared before me in my office and made oath that the statements therein contained, in so far as made from his own knowledge, are true, and in so far as made ~~from his~~ on information derived from others, he believes them to be true.

Given under my hand as clerk.

H.C.T. Ewing,
Clerk.

1900 to 1910
P. H. Chadwell

vs. { Bill in Chy.

Octava Chadwell.

Filed 1st Jan. Rules, 1905.

H. L. T. Cuming.

Clerk.

1905 1st Jan. Rules

Bill filed &
continued for
O.P.

" 2nd Jan. Rules

O.P. completed &
Cause set for hearing.

Costs-

Clerk --- \$ 4.80 Pd

Tax --- 1.50 Pd

Notary --- 1.00 Pd

Comm. in Chy 1.00 Pd

O.P. --- 5.00 Pd

Atty. --- 15.00 Pd

Witness, 1.70 Pd

Total, \$30.00

clerk. 1.33

P.H.Chadwell, - - - - - Plff.)
vs.) In Chancery.
Octava Chadwell,- - - - - Deft.)

This cause, in which the plaintiff appears to have proceeded against the defendant, who is out of this Commonwealth, in the mode prescribed by law against absent defendants, and she still failing to appear and answer, came on this day to be heard on the bill, the exhibits filed, and the depositions of witnesses, and was argued by counsel. On consideration whereof, the court being of opinion that the charge of adultery against the defendant is fully proved, doth adjudge, order and decree that the marriage heretofore solemnized between P.H.Chadwell and Octava Chadwell be, and the same is, hereby dissolved, and the said P.H.Chadwell forever divorced from his wife, the said Octava Chadwell, and all the right, title and interest of the said Octava Chadwell in or to the estate, real or personal, of the said P.H.Chadwell shall henceforth cease and determine, and the said P.H.Chadwell shall have control and custody of the two minor children, James and Effie Chadwell, free from any interference by the said Octava Chadwell, and the said P.H.Chadwell shall recover from the said Octava Chadwell his costs by him expended in the prosecution of this suit.

And nothing further remaining to be done, this cause is stricken from the docket.

DEPOSITION.

P.H.Chadwell, - - - - - Plff.)
vs. - - - - -) In Chancery.
Octava Chadwell, - - - - - Deft.)

The deposition of B.H.Estep taken before me, J.T.Buchanan, a notary public in and for the county of Collin, in the state of Texas, at my office in Celina, in the county and state aforesaid, on January 17th, 1905, to be read as evidence on behalf of P.H.Chadwell, in a certain suit in chancery depending in the Circuit court of Lee county, Virginia, in which the said P.H.Chadwell is plaintiff, and Octava Chadwell is defendant.

B.H.Estep, a witness of lawful age, offered on behalf of P.H.Chadwell, being first duly sworn, deposes and says:

Q.1, State your age, residence and occupation.

A.1, My age is 30 years, Celina Collin
County Texas. Liveryman.

Q.2, Where did you live before you came to Texas?

A.2, Lived near Ewing Lee County
Virginia

Q.3, Were you acquainted with P.H.Chadwell and his wife Octava Chadwell, of Ewing, Lee county, Virginia, before you left that county; if so, how long had you known them?

A.3, I was. Had known P.H.
Chadwell about five years. And
had known Octava Chadwell all my life

Q.4, Were you acquainted with the character of the said Octava Chadwell for chastity prior to your leaving Virginia, and if so, state whether or not you know of your own knowledge whether she was a virtuous woman or not?

A.4, I was. Of my own knowledge
I know she was not.

Q.5, State whether or not you ever slept with and had sexual intercourse with the said Octava Chadwell after she became the wife of P.H.Chadwell; if so, state when and where?

A.5, I did. Four years ago this
Christmas at P.H. Chadwell's home.

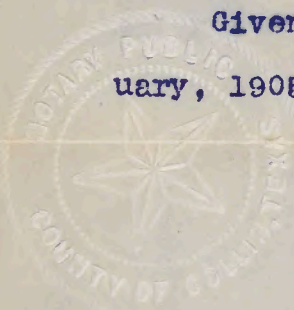
[The page contains faint horizontal lines, suggesting ghosting or extremely faded text.]

13. 14. Easters

County of Collin, to-wit:

Given under my hand and notarial seal, this 17th day of January, 1905. My term of office expires June 1st, 1905.

J. T. Buchanan



P. H. Chadwell, Plff.
vs. } Deposition.

Octava Chadwell, Deft.

Filed January 21st 1905.
H. T. Curing,
Clerk,

Notary's Fee \$1.00

Notary Public for Cottle Co., Texas.

My term of office expires June 1st 1906.

Given under my hand and notarial seal, this-----day of Jan-
and place as above given.

was duly taken under oath and subscribed before me, and at the time
aforeseid, do certify that the foregoing deposition of P. H. Chadwell

I, J. T. Buchanan, a Notary Public in and for the County and

County of Cottle, to-wit:

State of Texas,

And further this deponent saith not.

DEPOSITIONS.

P.H.Chadwell, - - - - -Plaintiff,)
vs.) In chy.
Octava Chadwell,- - - - -Defendant,)

The depositions of P.H.Chadwell and John Wyre, taken before me, Geo.P.Cridlin, a commissioner in chancery for the Circuit court of Lee county, Virginia, at the law office of A.M.Goins, in the town of Jonesville, Va., on February 3rd, 1905, to be read as evidence on behalf of the said P.H.Chadwell, in a certain suit in chancery in the Circuit court for said county now depending, in which the said P.H.Chadwell is plaintiff, and Octava Chadwell is defendant.

Present, A.M.Goins, Attorney for P.H.Chadwell.

P.H.Chadwell, a witness of lawful age, offered on behalf of himself, being first duly sworn, deposes and says:

Q.1. State your age, residence and occupation.

A.1. I am 37 years of age; live near Ewing, Lee county, Va.; and I am a farmer.

Q.2. Are you the plaintiff in this suit, and at this time the lawful husband of Octava Chadwell?

A.2. I am.

Q.3. How long have you been domiciled in this county prior to the institution of this suit?

A.3. All my life.

Q.4. State your connection with the said Octava Chadwell--when and where you were married to her--how many children she had by you, if any, and the ages and sex of each respectively--how long she lived with you--when and what caused her to leave you, if you know, and where is she at this time? State fully your connection with her.

A.4. We were married on the 18th day of November, 1893, in Hancock county, Tenn. We had two children, as follows, James, who is ten years old, and Effie, who is six years old, the first is a boy and the second is a girl. She lived with me from the time we married up to the 4th day of August, 1904, with the exception of intervals when she would take flurrays and go off and stay for a while at a time. I do not know what caused her to leave me, unless it was that she wanted to go west where her father was living. She is now in the state of Missouri with her father and his family, as I am informed.

Q.5.-- During the time your said wife lived with you, state whether or not you took care of and provided for her as a husband should provide for his wife and tried to live sociably and agreeably with her.

A.-- I did.

Q.6.-- During the time said Octavia lived with you as your wife, state whether or not she would remain at home and look after home affairs, or would she run around over the neighborhood? State how this was.

A.-- She did not stay at home as a wife should. She would go just when she wanted to, never saying anything to me about it, and would come back when she got ready. She has staid off till after night and come home some times a half hour after dark. Sometimes I would have to go out and ^{inquire for} ~~hunt~~ her.

Q.7.-- Before your marriage to the said Octavia, and during the time you lived with her, did you regard her as a virtuous woman, or otherwise?

A.-- Yes, I thought she was a nice woman.

Q.8.-- When ^{did} you first suspicion or learn that she had not been true to you as a wife?

A.-- Not until she left the last time.

Q.9.-- State whether or not you condoned her acts and lived and cohabited with the said Octavia since you had knowledge of her adultery?

A.-- I did not.

Q.10.-- Where ~~did~~ you and your said wife live at the time she left you, and state fully the circumstances under which she left.

A.-- We lived near Ewing, Lee County, Virginia. I was at Middlesboro, Kentucky on business, had driven some cattle down there, and while I was gone she stole the children away, went across in to Tennessee, and around up to Cumberland Gap, and there took the train with the children and went to the state of Missouri to her father's, where they still are, as I am informed. I did what I could to stop them and have them returned, on their route to Missouri, but I could not succeed.

Q.11.-- B.H.Estep, in his deposition taken in this case, says that four years ago this Christmas, at P.H.Chadwell's home, he slept with and had sexual intercourse with the said Octavia Chadwell,

State where you were on that occasion, if you know.

A.-- I do not know, but I think that I had gone to my mother's.

Q.12.-- State whether or not the adulterous acts on the part of the said Octavia were brought about through your connivance or procurment?

A.-- They were not. I knew nothing about it.

Q.13.-- State whether or not you had any knowledge of the adulterous acts of the said Octavia until she had left you the last time and gone to the state of Missouri?

A.-- I did not.

Q.14.-- State whether or not you have faithfully sought to live with the said Octavia as your wife, and would still seek to live with her, but for her adultery?

A.-- I did try to live with her, until the time when I learned of her adultery, and were it not for her adultery I would still try to get her to live with me.

And further this deponent saith not.

P. H. Chadwell

John Wyres, another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State you age, residence and occupation.

A.-- I am 45 years old, live near Ewing, Va., and am a farmer.

Q.2.-- Are you acquainted with P.H. Chadwell and Octavia, his wife, and if so, how long have you known them.

A.-- I have known them ever since they were married.

Q.3.-- Is the said Octavia still living with her husband, or where is she?

A.-- She is not living with her husband. I reckon she is in Missouri.

Q.4.-- Have you been about the home of P.H. and Octavia Chadwell during the time they lived together as husband and wife, if so, state what you may know of her acts and conduct as a wife?

A.-- I have been at their home. But I have been more intimately acquainted with them during the Spring and Summer of 1904, than

ever before, as I worked for Mr. Chadwell the principal part of this time. During the time I worked there I know that she ran around over the country a good deal and I know that she would frequently stay away till late, and he would have to go in ~~for~~ himself and get his supper. I do not know where she was gone, or where she was, or what she was doing.

And further this deponent saith not.

Witness claims attendant 1 day 50c
 mileage 30m. 1.20
\$1.70

Virginia, Lee County, to-wit:

I, Geo.P.Grdilin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of P.H.Chadwell and John Wyers, were taken ~~xxxxxxx~~ sworn to and subscribed before me at the time place and for the purpose in the caption mentioned.

Given under my hand this the 3rd day of February, 1905.

Geo. P. Bridgman Comm. in Chy.

In the Clerk's Office of the Circuit Court of the County of
Lee on the 3rd day of December 1904.

P. H. Chadwell

Plaintiff

against

Octava Chadwell

Defendant.

The object of this suit is to obtain a divorce from the
bonds of matrimony.

And an affidavit having been made and filed that the defendant

Octava Chadwell

^a not resident of the State of Virginia, it is ordered that She do appear here within 15 days,
after due publication hereof, and do what may be necessary to protect her interest in this suit. And

it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville

Star and that a copy be posted at the front door of the court-house of this County
or before the next rule day of this Court.
~~on the first day of the next term of the Court.~~

A copy—Teste:

A. M. Lewis

p. q.

N. C. Ewing

Clerk.

P. H. Chadwell

vs. {

ORDER OF
PUBLICATION.

Octava Chadwell

Virginia, Lee County, to-wit:
I, H. C. T. Fawing, Clerk of the
Circuit Court for the County
of Lee in the State
aforesaid, do certify that
I posted a true copy of
the within O.P. at the
front door of the court-
house on the 3rd day
of Dec. 1904.
Given under my hand
This 3rd day of Dec. 1904.
H. C. T. Fawing, Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee.

P. H. Chadwell

Plaintiff

against

Octava Chadwell

Defendant

In Chy.

This day A. M. Guins personally appeared
before me H. C. T. Ewing Clerk of the said Court,
and being duly sworn, made oath that Octava Chadwell

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 3rd day of Dec 1904.

H. C. T. Ewing, Clerk.

P. H. Chadwell

vs.

}

AFFIDAVIT FOR ORDER

OF

PUBLICATION.

Octava Chadwell

A. M. Guins p. q.

CERTIFICATE OF ORDER OF PUBLICATION.

P.H.Chadwell, Plff.)
vs.) In Chancery.
Octava Chadwell,. Deft.)

I, J.C.Boatright, Editor of the JONESVILLE STAR, a newspaper published in the town of Jonesville, Lee county, Virginia, do certify that the attached Order of Publication was duly published once a week for four successive weeks in The Jonesville Star, beginning on the...^{8th}...day of December, 1904.

-----*J.C. Boatright*-----,
Editor.

++++++

Fee for this Order of Publication, \$5.00

+++

Order of Publication
VIRGINIA--In the Clerk's Office of the Circuit Court of the County of Lee on the 3d day of Dec. 1904
P. H. Chadwell Plff. }
vs. } In Chancery
Octava Chadwell Def't. }
The object of this suit is to obtain a divorce from the bonds of Matrimony.
And an affidavit having been made and filed that the Defendant Octava Chadwell is not a resident of Virginia, it is ordered that she do appear here within 15 days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy thereof be published once a week for four weeks in the Jonesville Star, and that a copy be posted at the front door of the court-house of this County on or before the next Rule day of this court.
A copy-Teste:
H. C. T. EWING clerk
A. M. Goins, p. q.

P. H. Chadwell

for the City.

Octava Chadwell

Order of Publication

Fee for this Order of Publication

+++++

+++

Editor.

Fee \$5.00

on the 1st of December, 1904.
a week for successive weeks in the Jonesville Star, beginning
in the first attached order of publication was duly published once

published in the form of Jonesville, Lee county, Virginia, 40 cents

I, J. O. Boush, Editor of the Jonesville Star, a newspaper

Octava Chadwell 10c

as)
B. H. Chadwell 10c) in advance.

CERTIFICATE OF ORDER OF PUBLICATION.